

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID DELREAL,

No. C 13-03423 WHA

Petitioner,

v.

**ORDER TO SHOW CAUSE RE
MOTION TO STAY**

RANDY GROUNDS,

Respondent.

State prisoner, David DelReal, through counsel, filed a petition for writ of habeas corpus under 28 U.S.C. 2254 on July 24, 2013. The petition presents several claims for relief, including two that petitioner admits have not been exhausted. Petitioner states that he “will seek” to stay the petition and have this Court hold it in abeyance until petitioner exhausts the unexhausted claims in state court. Petitioner has not, however, filed a motion to stay.

Petitioner is **ORDERED TO SHOW CAUSE WHY THIS CASE SHOULD NOT BE SUMMARILY DISMISSED** for failure to exhaust state remedies. Petitioner’s response is due by **SEPTEMBER 10 AT NOON**. Absent a showing of good cause, petitioner may decide to exhaust unexhausted claims by returning to state court, or may abandon those claims and pursue the remaining exhausted claims in federal court by filing an amended petition that removed the unexhausted claims. *See Jefferson v. Budge*, 419 F.3d 1013, 1015 (9th Cir. 2005).

IT IS SO ORDERED.

Dated: August 20, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE